



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Awarding of Contract for Removal of Abandoned Vehicles  
MEETING DATE: January 2, 1992  
PREPARED BY: City Attorney

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RECOMMENDED ACTION: Information only.

BACKGROUND INFORMATION: Questions have recently arisen about the manner in which the City awarded the contract to Stubbs Paint & Body for removal of abandoned vehicles. The following is a brief overview of events with reference to applicable law.

According to City files, Guthrie, Inc., DBA Stubb's Auto Body & Paint, had an agreement with the City of Lodi for removal of abandoned automobiles dating back to at least 1985. The agreement lapsed and was not extended because of a 1989 federal court case from Santa Ana, California which called into question the authority and procedures used to abate non-operative cars.

After some clarification of the Santa Ana case, it was determined that the City could once again abate abandoned autos. There were numerous discussions between the Community Development Department and myself over the appropriate manner of handling the situation. It was the feeling of the Community Development Department that the contract should not be put out to competitive bid since we had a long and satisfactory relationship with Stubbs Paint & Body, and also due to the fact that no other towing service at that time expressed any interest whatsoever in submitting a proposal.

Under Municipal Code Section 3.20.070, contracts for services would normally go to competitive bid. However, that section allows the City Council to determine that such competitive methods can be dispensed with where it would be "in the best interests of the city" or where there is a sole source supplier. I believe that was the position taken when this contract was awarded. There are no other State statutes of which I am aware requiring this sort of contract to be put to public bid, since it is not a "public works contract" under applicable State law.

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager




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The present agreement runs for 3 years from August 1991. If the Council wishes, it could certainly request proposals from various service providers upon expiration of the present contract.

FUNDING: None Required.

Respectfully submitted,

  
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Bob McNatt  
City Attorney

ABANDON/TXTA.01V